



Legislation Details (With Text)

File #: 26329 **Version:** 1 **Name:** Nonconforming signs
Type: Ordinance **Status:** Passed
File created: 5/9/2012 **In control:** URBAN DESIGN COMMISSION
On agenda: 6/19/2012 **Final action:** 6/19/2012
Enactment date: 6/27/2012 **Enactment #:** ORD-12-00087
Title: Amending Sections 31.05(1)(c), 31.05(2)(b), creating Section 31.05(2)(c), amending Sections 31.11(1), 31.11(2)(g) and 31.11(2)(l) of the Madison General Ordinances to authorize the realignment of a billboard or other nonconforming sign that would otherwise have to be removed as a result of a state highway project.
Sponsors: Paul R. Soglin

Indexes:

Code sections:

Attachments: 1. UDCReportMGOAmendmentBillboardNonConformingSigns060612.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------------------|--|--------|
| 6/19/2012 | 1 | COMMON COUNCIL | Adopt | Pass |
| 6/6/2012 | 1 | URBAN DESIGN COMMISSION | RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER | Pass |
| 5/15/2012 | 1 | COMMON COUNCIL | Referred | |
| 5/9/2012 | 1 | Attorney's Office/Approval Group | Referred for Introduction | |

Fiscal Note

No significant fiscal impact is anticipated.

Title

Amending Sections 31.05(1)(c), 31.05(2)(b), creating Section 31.05(2)(c), amending Sections 31.11(1), 31.11(2)(g) and 31.11(2)(l) of the Madison General Ordinances to authorize the realignment of a billboard or other nonconforming sign that would otherwise have to be removed as a result of a state highway project.

Body

DRAFTER'S ANALYSIS: This ordinance amendment would allow the Zoning Administrator to approve the "realignment" (defined by state law as relocation on the same site) of a billboard or other nonconforming sign that would otherwise have to be removed as a result of a state highway project. Under current city ordinance, all billboards (off-premise advertising signs) are considered nonconforming and cannot be altered or moved. In 2011 Act 32, the State of Wisconsin created Wis. Stat. § 84.30(5r) which requires the City to pay the state's cost of condemning a sign or billboard within its jurisdiction that has to be removed for a state highway project, unless the City allows the sign to be relocated on the same site. In order to exercise this option, Sections 31.11 and 31.05 of the City's current sign ordinance must be amended. If the city doesn't allow the sign to be "realigned," the City must petition the state to condemn the sign and then pay the state an amount equal to the condemnation award less relocation costs that would have been paid by the department if the sign had been "realigned" rather than removed. If the City doesn't pay, the State can reduce the city's general transportation aid in the same amount.

This ordinance amendment would give the City the option to allow a sign that would have to be removed by a state highway project to be realigned on the same lot of record without losing any nonconforming status granted by Sec. 31.05. This ordinance would allow the Zoning Administrator to waive setback requirements if necessary, and requires a record to be kept of all signs that are realigned under this procedure.

The intent of this ordinance amendment is to refer only to Wis. Stat. § 84.30(5r) as created by 2011 Wis. Act

32. If further amendments are made to Wis. Stat. § 84.30(5r), Sec. 31.05 would likewise require additional amendments.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (c) of Subsection (1) of Section 31.05 entitled “Nonconforming Signs” of the Madison General Ordinances is amended to read as follows:

“(c) If an existing nonconforming sign is removed (or substantially removed), ordered to be removed under the authority elsewhere in this chapter, destroyed, or otherwise ceases to exist, the sign is no longer subject to the general rule allowing continued display or changes of copy under Sec. 31.05(1)(a) above. This provision does not apply to signs that are realigned under sub. (2)(c) herein.”

2. Subdivision (b) of Subsection (2) entitled “Nonconforming Advertising Signs” of Section 31.05 entitled “Nonconforming Signs” of the Madison General Ordinances is amended to read as follows:

“(b) Any other advertising sign existing as of November 1, 1983, including those excepted from or otherwise not included in the areas set forth in sub. (a) above, may be continued provided that it may not be relocated, replaced, expanded, enlarged, repositioned or raised in height, except under sub. (2) (c). Such existing advertising signs may not be restored or reconstructed for any reason, except if damaged or destroyed by fire or other casualty or act of God, and only if to the extent that the total cost of restoration to the condition in which it was before the occurrence shall does not exceed fifty percent (50%) of its assessed value or the cost to replace with a new structure of equal quality, whichever amount is lower. The determination of eligibility for restoration or reconstruction hereunder in the preceding sentence shall be made by the Urban Design Commission and any restoration or reconstruction (except realignment under (2)(c) below) without the approval of the Urban Design Commission is prohibited. Violation of this subdivision shall result in the said sign being subject to immediate removal by the owner thereof at no cost to the City. Ordinary repairs or normal maintenance shall be considered “required by law” hereunder.

3. Subdivision (c) entitled “Realignment of Advertising Signs or other Nonconforming Signs” of Subsection (2) entitled “Nonconforming Advertising Signs” of Section 31.05 entitled “Nonconforming Signs” of the Madison General Ordinances is created to read as follows:

“(c) Realignment of Advertising Signs or other Nonconforming Signs. Notwithstanding anything to the contrary in this ordinance, an existing advertising sign or other sign meeting the criteria of sub. (1)(a) may be realigned, as that term is defined in Wis. Stat. § 84.30(5r)(a), as created by 2011 Wis. Act 32, on the same site if a highway project of the State of Wisconsin Department of Transportation (“Department”) causes the realignment, upon notification of proposed alignment by the Department under Wis. Stat. § 84.30(5r), as created by 2011 Wis. Act 32. For purposes of this section, the “same site” means the same lot of record, as defined in Chapter 28, MGO. Such sign may be realigned only if the City does not choose to petition the Department to acquire the sign under the procedures in that statute. A sign realigned under this provision shall not be subject to applicable setback requirements found elsewhere in this ordinance, if in the Zoning Administrator’s opinion a shorter setback is necessary to accomplish the realignment. Any advertising sign realigned under this provision shall comply with Sec. 31.11 unless expressly exempt. Realignment of a sign in compliance with this provision shall not cause the sign to lose any nonconforming status granted by this section. The Zoning Administrator shall keep a record of any sign realigned under this provision.”

4. Subsection (1) of Section 31.11 entitled “Advertising Signs” of the Madison General Ordinances is amended to read as follows:

“(1) Existing advertising signs are nonconforming and permitted to remain only in the C2, C3, and C3L Commercial Districts and the M1 and M2 Manufacturing Zoning Districts as regulated in this section and in Sec. 31.15(3), subject to the nonconforming advertising signs provisions of Sec. 31.05(2). Notwithstanding any other provision of these ordinances, new, relocated and replacement advertising signs are prohibited, except advertising signs that are realigned pursuant to Sec. 31.05(2)(c) and Wis. Stat. § 84.30(5r) (as created by 2011 Wis. Act 32).”

5. Subdivision (g) of Subsection (2) entitled “General Regulations for Advertising Signs” of Section 31.11 entitled “Advertising Signs” of the Madison General Ordinances is amended to read as follows:

“(g) The following setbacks for advertising signs are required, except for advertising signs realigned under Sec. 31.05(2)(c):

1. An advertising sign situated parallel to the right-of-way line must be set back a distance equal to its height.
2. An advertising sign perpendicular, or nearly so, to the street right-of-way line must be set back three (3) feet from the property line.”
6. Subdivision (l) of Subsection (2) entitled “General Regulations for Advertising Signs” of Section

31.11 entitled “Advertising Signs” of the Madison General Ordinances is amended to read as follows:

“(l) No advertising sign shall be located in any required front yard or in the last ten (10) feet of any required rear yard, except for advertising signs realigned under Sec. 31.05(2)(c).”